
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3114.3/14 3rd draft

ATTY/TYPIST: BP:lel

BRIEF DESCRIPTION: Concerning certain public works contracting requirements.

1 AN ACT Relating to certain public works contracting requirements;
2 and amending RCW 39.04.320, 39.12.026, 18.27.060, 19.28.041, 19.28.420,
3 and 42.56.270.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 39.04.320 and 2009 c 197 s 1 are each amended to read
6 as follows:

7 (1)(a) Except as provided in (b) through (d) of this subsection,
8 from January 1, 2005, and thereafter, for all public works estimated to
9 cost one million dollars or more, all specifications shall require that
10 no less than fifteen percent of the labor hours be performed by
11 apprentices.

12 (b)(i) This section does not apply to contracts advertised for bid
13 before July 1, 2007, for any public works by the department of
14 transportation.

15 (ii) For contracts advertised for bid on or after July 1, 2007, and
16 before July 1, 2008, for all public works by the department of
17 transportation estimated to cost five million dollars or more, all
18 specifications shall require that no less than ten percent of the labor
19 hours be performed by apprentices.

1 (iii) For contracts advertised for bid on or after July 1, 2008,
2 and before July 1, 2009, for all public works by the department of
3 transportation estimated to cost three million dollars or more, all
4 specifications shall require that no less than twelve percent of the
5 labor hours be performed by apprentices.

6 (iv) For contracts advertised for bid on or after July 1, 2009, for
7 all public works by the department of transportation estimated to cost
8 ((two)) five million dollars or more, all specifications shall require
9 that no less than ((fifteen)) twelve percent of the labor hours be
10 performed by apprentices.

11 (c)(i) This section does not apply to contracts advertised for bid
12 before January 1, 2008, for any public works by a school district, or
13 to any project funded in whole or in part by bond issues approved
14 before July 1, 2007.

15 (ii) For contracts advertised for bid on or after January 1, 2008,
16 for all public works by a school district estimated to cost three
17 million dollars or more, all specifications shall require that no less
18 than ten percent of the labor hours be performed by apprentices.

19 (iii) For contracts advertised for bid on or after January 1, 2009,
20 for all public works by a school district estimated to cost two million
21 dollars or more, all specifications shall require that no less than
22 twelve percent of the labor hours be performed by apprentices.

23 (iv) For contracts advertised for bid on or after January 1, 2010,
24 for all public works by a school district estimated to cost one million
25 dollars or more, all specifications shall require that no less than
26 fifteen percent of the labor hours be performed by apprentices.

27 (d)(i) For contracts advertised for bid on or after January 1,
28 2010, for all public works by a four-year institution of higher
29 education estimated to cost three million dollars or more, all
30 specifications must require that no less than ten percent of the labor
31 hours be performed by apprentices.

32 (ii) For contracts advertised for bid on or after January 1, 2011,
33 for all public works by a four-year institution of higher education
34 estimated to cost two million dollars or more, all specifications must
35 require that no less than twelve percent of the labor hours be
36 performed by apprentices.

37 (iii) For contracts advertised for bid on or after January 1, 2012,
38 for all public works by a four-year institution of higher education

1 estimated to cost one million dollars or more, all specifications must
2 require that no less than fifteen percent of the labor hours be
3 performed by apprentices.

4 (2) Awarding entities may adjust the requirements of this section
5 for a specific project for the following reasons:

6 (a) The demonstrated lack of availability of apprentices in
7 specific geographic areas;

8 (b) A disproportionately high ratio of material costs to labor
9 hours, which does not make feasible the required minimum levels of
10 apprentice participation;

11 (c) Participating contractors have demonstrated a good faith effort
12 to comply with the requirements of RCW 39.04.300 and 39.04.310 and this
13 section; or

14 (d) Other criteria the awarding entity deems appropriate, which are
15 subject to review by the office of the governor.

16 (3) The secretary of the department of transportation shall adjust
17 the requirements of this section for a specific project for the
18 following reasons:

19 (a) The demonstrated lack of availability of apprentices in
20 specific geographic areas; or

21 (b) A disproportionately high ratio of material costs to labor
22 hours, which does not make feasible the required minimum levels of
23 apprentice participation.

24 (4) This section applies to public works contracts awarded by the
25 state, to public works contracts awarded by school districts, and to
26 public works contracts awarded by state four-year institutions of
27 higher education. However, this section does not apply to contracts
28 awarded by state agencies headed by a separately elected public
29 official.

30 (5)(a) The department of (~~general administration~~) enterprise
31 services must provide information and technical assistance to affected
32 agencies and collect the following data from affected agencies for each
33 project covered by this section:

34 (i) The name of each apprentice and apprentice registration number;

35 (ii) The name of each project;

36 (iii) The dollar value of each project;

37 (iv) The date of the contractor's notice to proceed;

1 (v) The number of apprentices and labor hours worked by them,
2 categorized by trade or craft;

3 (vi) The number of journey level workers and labor hours worked by
4 them, categorized by trade or craft; and

5 (vii) The number, type, and rationale for the exceptions granted
6 under subsection (2) of this section.

7 (b) The department of labor and industries shall assist the
8 department of ((general administration)) enterprise services in
9 providing information and technical assistance.

10 (6) (~~The secretary of transportation shall establish an~~
11 ~~apprenticeship utilization advisory committee, which shall include~~
12 ~~statewide geographic representation and consist of equal numbers of~~
13 ~~representatives of contractors and labor. The committee must include~~
14 ~~at least one member representing contractor businesses with less than~~
15 ~~thirty five employees. The advisory committee shall meet regularly~~
16 ~~with the secretary of transportation to discuss implementation of this~~
17 ~~section by the department of transportation, including development of~~
18 ~~the process to be used to adjust the requirements of this section for~~
19 ~~a specific project. The committee shall provide a report to the~~
20 ~~legislature by January 1, 2008, on the effects of the apprentice labor~~
21 ~~requirement on transportation projects and on the availability of~~
22 ~~apprentice labor and programs statewide.~~

23 (+7)) At the request of the senate labor, commerce, research and
24 development committee, the house of representatives commerce and labor
25 committee, or their successor committees, and the governor, the
26 department of ((general administration)) enterprise services and the
27 department of labor and industries shall compile and summarize the
28 agency data and provide a joint report to both committees. The report
29 shall include recommendations on modifications or improvements to the
30 apprentice utilization program and information on skill shortages in
31 each trade or craft.

32 **Sec. 2.** RCW 39.12.026 and 2003 c 363 s 206 are each amended to
33 read as follows:

34 (1) In establishing the prevailing rate of wage under RCW
35 39.12.010, 39.12.015, and 39.12.020, all data collected by the
36 department may be used only in the county for which the work was
37 performed.

1 ~~((This section applies only to prevailing wage surveys~~
2 ~~initiated on or after August 1, 2003.))~~ The department must survey
3 registered contractors at the time of renewal of a registration under
4 chapter 18.27 RCW and licensed electricians at the time of renewal of
5 a license under chapter 19.28 RCW. The prevailing wage survey must
6 request wage and hour data for all trades and occupations over the
7 previous twenty-four months. The department must permit survey
8 respondents to complete and submit surveys electronically or in hard
9 copy.

10 **Sec. 3.** RCW 18.27.060 and 2011 c 301 s 1 are each amended to read
11 as follows:

12 (1) A certificate of registration shall be valid for two years and
13 shall be renewed on or before the expiration date. The department
14 shall issue to the applicant a certificate of registration upon
15 compliance with the registration requirements of this chapter.

16 (2) If the department approves an application, it shall issue a
17 certificate of registration to the applicant.

18 (3) If a contractor's surety bond or other security has an
19 unsatisfied judgment against it or is canceled, or if the contractor's
20 insurance policy is canceled, the contractor's registration shall be
21 automatically suspended on the effective date of the impairment or
22 cancellation. The department shall mail notice of the suspension to
23 the contractor's address on the certificate of registration within two
24 days after suspension using a method by which the mailing can be
25 tracked or the delivery can be confirmed.

26 (4) To renew a certificate of registration, the contractor must
27 complete and submit the prevailing wage survey required under RCW
28 39.12.026.

29 (5) Renewal of registration is valid on the date the department
30 receives the required fee and proof of bond and liability insurance, if
31 sent by certified mail or other means requiring proof of delivery. The
32 receipt or proof of delivery shall serve as the contractor's proof of
33 renewed registration until he or she receives verification from the
34 department.

35 ~~((+5+))~~ (6) The department shall immediately suspend the
36 certificate of registration of a contractor who has been certified by
37 the department of social and health services as a person who is not in

1 compliance with a support order or a visitation order as provided in
2 RCW 74.20A.320. The certificate of registration shall not be reissued
3 or renewed unless the person provides to the department a release from
4 the department of social and health services stating that he or she is
5 in compliance with the order and the person has continued to meet all
6 other requirements for certification during the suspension.

7 ~~((+6+))~~ (7) For a contractor who employs plumbers, as described in
8 RCW 18.106.010(10)(c), and is also required to be licensed as an
9 electrical contractor as required in RCW 19.28.041, while doing pump
10 and irrigation or domestic pump work described in rule as authorized by
11 RCW 19.28.251, the department shall establish a single
12 registration/licensing document for those who qualify for both general
13 contractor registration as defined by this chapter and an electrical
14 contractor license as defined by chapter 19.28 RCW.

15 **Sec. 4.** RCW 19.28.041 and 2013 c 23 s 28 are each amended to read
16 as follows:

17 (1) It is unlawful for any person, firm, partnership, corporation,
18 or other entity to advertise, offer to do work, submit a bid, engage
19 in, conduct, or carry on the business of installing or maintaining
20 wires or equipment to convey electric current, or installing or
21 maintaining equipment to be operated by electric current as it pertains
22 to the electrical industry, without having an unrevoked, unsuspended,
23 and unexpired electrical contractor license, issued by the department
24 in accordance with this chapter. All electrical contractor licenses
25 expire twenty-four calendar months following the day of their issue.
26 The department may issue an electrical contractor license for a period
27 of less than twenty-four months only for the purpose of equalizing the
28 number of electrical contractor licenses that expire each month.
29 Application for an electrical contractor license shall be made in
30 writing to the department, accompanied by the required fee. The
31 application shall state:

32 (a) The name and address of the applicant; in case of firms or
33 partnerships, the names of the individuals composing the firm or
34 partnership; in case of corporations, the names of the managing
35 officials thereof;

36 (b) The location of the place of business of the applicant and the
37 name under which the business is conducted;

1 (c) Employer social security number;

2 (d) Evidence of workers' compensation coverage for the applicant's
3 employees working in Washington, as follows:

4 (i) The applicant's industrial insurance account number issued by
5 the department;

6 (ii) The applicant's self-insurer number issued by the department;
7 or

8 (iii) For applicants domiciled in a state or province of Canada
9 subject to an agreement entered into under RCW 51.12.120(7), as
10 permitted by the agreement, filing a certificate of coverage issued by
11 the agency that administers the workers' compensation law in the
12 applicant's state or province of domicile certifying that the applicant
13 has secured the payment of compensation under the other state's or
14 province's workers' compensation law;

15 (e) Employment security department number;

16 (f) State excise tax registration number;

17 (g) Unified business identifier (UBI) account number may be
18 substituted for the information required by (d) of this subsection if
19 the applicant will not employ employees in Washington, and by (e) and
20 (f) of this subsection; and

21 (h) Whether a general or specialty electrical contractor license is
22 sought and, if the latter, the type of specialty. Electrical
23 contractor specialties include, but are not limited to: Residential,
24 pump and irrigation, limited energy system, signs, nonresidential
25 maintenance, restricted nonresidential maintenance, appliance repair,
26 and a combination specialty. A general electrical contractor license
27 shall grant to the holder the right to engage in, conduct, or carry on
28 the business of installing or maintaining wires or equipment to carry
29 electric current, and installing or maintaining equipment, or
30 installing or maintaining material to fasten or insulate such wires or
31 equipment to be operated by electric current, in the state of
32 Washington. A specialty electrical contractor license shall grant to
33 the holder a limited right to engage in, conduct, or carry on the
34 business of installing or maintaining wires or equipment to carry
35 electrical current, and installing or maintaining equipment; or
36 installing or maintaining material to fasten or insulate such wires or
37 equipment to be operated by electric current in the state of Washington
38 as expressly allowed by the license.

1 (2) The department may verify the workers' compensation coverage
2 information provided by the applicant under subsection (1)(d) of this
3 section, including but not limited to information regarding the
4 coverage of an individual employee of the applicant. If coverage is
5 provided under the laws of another state, the department may notify the
6 other state that the applicant is employing employees in Washington.

7 (3) The application for an electrical contractor license shall be
8 accompanied by a bond in the sum of four thousand dollars with the
9 state of Washington named as obligee in the bond, with good and
10 sufficient surety, to be approved by the department. The bond shall at
11 all times be kept in full force and effect, and any cancellation or
12 revocation thereof, or withdrawal of the surety therefrom, suspends the
13 license issued to the principal until a new bond has been filed and
14 approved as provided in this section. Upon approval of a bond, the
15 department shall on the next business day deposit the fee accompanying
16 the application in the electrical license fund and shall file the bond
17 in the office. The department shall upon request furnish to any
18 person, firm, partnership, corporation, or other entity a certified
19 copy of the bond upon the payment of a fee that the department shall
20 set by rule. The fee shall cover but not exceed the cost of furnishing
21 the certified copy. The bond shall be conditioned that in any
22 installation or maintenance of wires or equipment to convey electrical
23 current, and equipment to be operated by electrical current, the
24 principal will comply with the provisions of this chapter and with any
25 electrical ordinance, building code, or regulation of a city or town
26 adopted pursuant to RCW 19.28.010(3) that is in effect at the time of
27 entering into a contract. The bond shall be conditioned further that
28 the principal will pay for all labor, including employee benefits, and
29 material furnished or used upon the work, taxes and contributions to
30 the state of Washington, and all damages that may be sustained by any
31 person, firm, partnership, corporation, or other entity due to a
32 failure of the principal to make the installation or maintenance in
33 accordance with this chapter or any applicable ordinance, building
34 code, or regulation of a city or town adopted pursuant to RCW
35 19.28.010(3). In lieu of the surety bond required by this section, the
36 license applicant may file with the department a cash deposit or other
37 negotiable security acceptable to the department. If the license
38 applicant has filed a cash deposit, the department shall deposit the

1 funds in a special trust savings account in a commercial bank, mutual
2 savings bank, or savings and loan association and shall pay annually to
3 the depositor the interest derived from the account.

4 (4) The department shall issue general or specialty electrical
5 contractor licenses to applicants meeting all of the requirements of
6 this chapter. The provisions of this chapter relating to the licensing
7 of any person, firm, partnership, corporation, or other entity
8 including the requirement of a bond with the state of Washington named
9 as obligee therein and the collection of a fee therefor, are exclusive,
10 and no political subdivision of the state of Washington may require or
11 issue any licenses or bonds or charge any fee for the same or a similar
12 purpose. No person, firm, partnership, corporation, or other entity
13 holding more than one specialty contractor license under this chapter
14 may be required to pay an annual fee for more than one such license or
15 to post more than one four thousand dollar bond, equivalent cash
16 deposit, or other negotiable security.

17 (5) To obtain a general or specialty electrical contractor license,
18 the applicant must designate an individual who currently possesses a
19 valid master journey level electrician's certificate of competency,
20 master specialty electrician's certificate of competency in the
21 specialty for which application has been made, or administrator's
22 certificate as a general electrical contractor administrator or as a
23 specialty electrical contractor administrator in the specialty for
24 which application has been made.

25 (6) Administrator certificate specialties include, but are not
26 limited to: Residential, pump and irrigation or domestic pump, limited
27 energy system, signs, nonresidential maintenance, restricted
28 nonresidential maintenance, appliance repair, and combination
29 specialty. To obtain an administrator's certificate, an individual
30 must pass an examination as set forth in RCW 19.28.051 unless the
31 applicant was a licensed electrical contractor at any time during 1974.
32 Applicants who were electrical contractors licensed by the state of
33 Washington at any time during 1974 are entitled to receive a general
34 electrical contractor administrator's certificate without examination
35 if the applicants apply prior to January 1, 1984. The board of
36 electrical examiners shall certify to the department the names of all
37 persons who are entitled to either a general or specialty electrical
38 contractor administrator's certificate.

1 (7) To renew an electrical contractor license, the licensee must
2 complete and submit the prevailing wage survey required under RCW
3 39.12.026.

4 (8) For a contractor doing domestic water pumping system work as
5 defined by RCW 18.106.010(10)(c), the department shall consider the
6 requirements of subsections (1)(a) through (h), (2), and (3) of this
7 section to have been met to be a pump and irrigation or domestic pump
8 licensed electrical contractor if the contractor has met the contractor
9 registration requirements of chapter 18.27 RCW. The department shall
10 establish a single registration/licensing document for those who
11 qualify for both general contractor registration as defined in chapter
12 18.27 RCW and a pump and irrigation or domestic pump electrical
13 contractor license as defined by this chapter.

14 **Sec. 5.** RCW 19.28.420 and 2000 c 238 s 206 are each amended to
15 read as follows:

16 (1) It is unlawful for any person, firm, partnership, corporation,
17 or other entity to advertise, offer to do work, submit a bid, engage
18 in, conduct, or carry on the business of installing or maintaining
19 telecommunications systems without having a telecommunications
20 contractor license. Electrical contractors licensed as general
21 electrical (01) or specialty electrical (06) contractors under chapter
22 19.28 RCW and their designated administrators qualify to perform all
23 telecommunications work defined in this chapter. Telecommunications
24 contractors licensed under this chapter are not required to be
25 registered under chapter 18.27 RCW. All telecommunications licenses
26 expire twenty-four calendar months following the day of their issue.
27 A telecommunications contractor license is not required for a licensed
28 specialty electrical contractor to perform telecommunications
29 installations or maintenance integral to the equipment or occupancy
30 limitations of their electrical specialty. A telecommunications
31 contractor license is not required for persons making
32 telecommunications installations or performing telecommunications
33 maintenance on their own property or for regularly employed employees
34 working on the premises of their employer, unless on a new building
35 intended for rent, sale, or lease.

36 (2) Application for a telecommunications contractor license shall

1 be made in writing to the department accompanied by the required fee.

2 The applications shall state:

3 (a) The name and address of the applicant. In the case of firms or
4 partnerships, the applications shall state the names of the individuals
5 composing the firm or partnership. In the case of corporations, the
6 applications shall state the names of the corporation's managing
7 officials;

8 (b) The location of the place of business of the applicant and the
9 name under which the business is conducted;

10 (c) The employer social security number or tax identification
11 number;

12 (d) Evidence of workers' compensation coverage for the applicant's
13 employees working in Washington, as follows:

14 (i) The applicant's industrial insurance account number issued by
15 the department;

16 (ii) The applicant's self-insurer number issued by the department;
17 or

18 (iii) For applicants domiciled in a state or province of Canada
19 subject to an agreement entered into under RCW 51.12.120(7), as
20 permitted by the agreement, filing a certificate of coverage issued by
21 the agency that administers the workers' compensation law in the
22 applicant's state or province of domicile certifying that the applicant
23 has secured the payment of compensation under the other state's or
24 province's workers' compensation law;

25 (e) The employment security department number; and

26 (f) The state excise tax registration number.

27 (3) The unified business identifier account number may be
28 substituted for the information required by subsection (2)(d), (e), and
29 (f) of this section if the applicant will not employ employees in
30 Washington.

31 (4) The department may verify the workers' compensation coverage
32 information provided by the applicant under subsection (2)(d) of this
33 section including, but not limited to, information regarding the
34 coverage of an individual employee of the applicant. If coverage is
35 provided under the laws of another state, the department may notify the
36 other state that the applicant is employing employees in Washington.

37 (5) To obtain a telecommunications contractor license the applicant
38 must designate an individual who currently possesses a

telecommunications administrator certificate. To obtain an administrator's certificate an individual must pass an examination as set forth in this chapter. Examination criteria will be determined by the board.

(6) No examination may be required of any applicant for an initial telecommunications administrator certificate qualifying under this section. Applicants qualifying under this section shall be issued an administrator certificate by the department upon making an application and paying the required fee. Individuals must apply before July 1, 2001, to qualify for an administrator certificate without examination under this section. The board shall certify to the department the names of all persons entitled to this administrator certificate.

Prior to July 1, 2001, bona fide registered contractors under chapter 18.27 RCW engaged in the business of installing or maintaining telecommunications wiring in this state on or before June 8, 2000, may designate the following number of persons to receive a telecommunications administrator certificate without examination:

(a) One owner or officer of a contractor, registered under chapter 18.27 RCW on or before June 8, 2000, currently engaged in the business of installing telecommunications wiring;

(b) One employee, principal, or officer, with a minimum of two years experience performing telecommunications installations, per registered (~~telecommunication[s]~~) telecommunications contractor; and

(c) One employee for each one hundred employees, or fraction thereof, with a minimum of two years experience performing telecommunications installations.

(7) The application for a contractor license shall be accompanied by a bond in the sum of four thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall, on the next business day, deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall, upon request, furnish to any person, firm, partnership, corporation, or other entity a certified copy of the

1 bond upon the payment of a fee that the department shall set by rule.
2 The fee shall cover but not exceed the cost of furnishing the certified
3 copy. The bond shall be conditioned that the principal will pay for
4 all labor, including employee benefits, and material furnished or used
5 upon the work, taxes and contributions to the state of Washington, and
6 all damages that may be sustained by any person, firm, partnership,
7 corporation, or other entity due to a failure of the principal to make
8 the installation or maintenance in accordance with this chapter. In
9 lieu of the surety bond required by this section the applicant may file
10 with the department a cash deposit or other negotiable security
11 acceptable to the department. If the applicant has filed a cash
12 deposit, the department shall deposit the funds in a special trust
13 savings account in a commercial bank, mutual savings bank, or savings
14 and loan association and shall pay annually to the depositor the
15 interest derived from the account.

16 (8) Any person, firm, or corporation sustaining any damage or
17 injury by reason of the principal's breach of the conditions of the
18 bond required under this section may bring an action against the surety
19 named therein, joining in the action the principal named in the bond;
20 the action shall be brought in the superior court of any county in
21 which the principal on the bond resides or transacts business, or in
22 the county in which the work was performed as a result of which the
23 breach is alleged to have occurred; the action shall be maintained and
24 prosecuted as other civil actions. Claims or actions against the
25 surety on the bond shall be paid in full in the following order of
26 priority: (a) Labor, including employee benefits, (b) materials and
27 equipment used upon such work, (c) taxes and contributions due to the
28 state, (d) damages sustained by any person, firm, or corporation due to
29 the failure of the principal to make the installation in accordance
30 with this chapter, or any ordinance, building code, or regulation
31 applicable thereto. However, the total liability of the surety on any
32 bond may not exceed the sum of four thousand dollars, and the surety on
33 the bond may not be liable for monetary penalties. Any action shall be
34 brought within one year from the completion of the work in the
35 performance of which the breach is alleged to have occurred. The
36 surety shall mail a conformed copy of the judgment against the bond to
37 the department within seven days. In the event that a cash or
38 securities deposit has been made in lieu of the surety bond, and in the

1 event of a judgment being entered against the depositor and deposit,
2 the director shall upon receipt of a certified copy of a final
3 judgment, pay the judgment from the deposit.

4 (9) The department shall issue a telecommunications contractor
5 license to applicants meeting all of the requirements of this chapter
6 applicable to electrical and telecommunications installations. The
7 provisions of this chapter relating to the licensing of any person,
8 firm, partnership, corporation, or other entity including the
9 requirement of a bond with the state of Washington named as obligee and
10 the collection of a fee for that bond, are exclusive, and no political
11 subdivision of the state of Washington may require or issue any
12 licenses or bonds or charge any fee for the same or a similar purpose.

13 (10) To renew a telecommunications contractor license, the licensee
14 must complete and submit the prevailing wage survey required under RCW
15 39.12.026.

16 **Sec. 6.** RCW 42.56.270 and 2013 c 305 s 14 are each amended to read
17 as follows:

18 The following financial, commercial, and proprietary information is
19 exempt from disclosure under this chapter:

20 (1) Valuable formulae, designs, drawings, computer source code or
21 object code, and research data obtained by any agency within five years
22 of the request for disclosure when disclosure would produce private
23 gain and public loss;

24 (2) Financial information supplied by or on behalf of a person,
25 firm, or corporation for the purpose of qualifying to submit a bid or
26 proposal for (a) a ferry system construction or repair contract as
27 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
28 or improvement as required by RCW 47.28.070;

29 (3) Financial and commercial information and records supplied by
30 private persons pertaining to export services provided under chapters
31 43.163 and 53.31 RCW, and by persons pertaining to export projects
32 under RCW 43.23.035;

33 (4) Financial and commercial information and records supplied by
34 businesses or individuals during application for loans or program
35 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
36 43.168 RCW, or during application for economic development loans or
37 program services provided by any local agency;

1 (5) Financial information, business plans, examination reports, and
2 any information produced or obtained in evaluating or examining a
3 business and industrial development corporation organized or seeking
4 certification under chapter 31.24 RCW;

5 (6) Financial and commercial information supplied to the state
6 investment board by any person when the information relates to the
7 investment of public trust or retirement funds and when disclosure
8 would result in loss to such funds or in private loss to the providers
9 of this information;

10 (7) Financial and valuable trade information under RCW 51.36.120;

11 (8) Financial, commercial, operations, and technical and research
12 information and data submitted to or obtained by the clean Washington
13 center in applications for, or delivery of, program services under
14 chapter 70.95H RCW;

15 (9) Financial and commercial information requested by the public
16 stadium authority from any person or organization that leases or uses
17 the stadium and exhibition center as defined in RCW 36.102.010;

18 (10)(a) Financial information, including but not limited to account
19 numbers and values, and other identification numbers supplied by or on
20 behalf of a person, firm, corporation, limited liability company,
21 partnership, or other entity related to an application for a horse
22 racing license submitted pursuant to RCW 67.16.260(1)(b), liquor
23 license, gambling license, or lottery retail license;

24 (b) Internal control documents, independent auditors' reports and
25 financial statements, and supporting documents: (i) Of house-banked
26 social card game licensees required by the gambling commission pursuant
27 to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes
28 with an approved tribal/state compact for class III gaming;

29 (11) Proprietary data, trade secrets, or other information that
30 relates to: (a) A vendor's unique methods of conducting business; (b)
31 data unique to the product or services of the vendor; or (c)
32 determining prices or rates to be charged for services, submitted by
33 any vendor to the department of social and health services for purposes
34 of the development, acquisition, or implementation of state purchased
35 health care as defined in RCW 41.05.011;

36 (12)(a) When supplied to and in the records of the department of
37 commerce:

1 (i) Financial and proprietary information collected from any person
2 and provided to the department of commerce pursuant to RCW
3 43.330.050(8); and

4 (ii) Financial or proprietary information collected from any person
5 and provided to the department of commerce or the office of the
6 governor in connection with the siting, recruitment, expansion,
7 retention, or relocation of that person's business and until a siting
8 decision is made, identifying information of any person supplying
9 information under this subsection and the locations being considered
10 for siting, relocation, or expansion of a business;

11 (b) When developed by the department of commerce based on
12 information as described in (a)(i) of this subsection, any work product
13 is not exempt from disclosure;

14 (c) For the purposes of this subsection, "siting decision" means
15 the decision to acquire or not to acquire a site;

16 (d) If there is no written contact for a period of sixty days to
17 the department of commerce from a person connected with siting,
18 recruitment, expansion, retention, or relocation of that person's
19 business, information described in (a)(ii) of this subsection will be
20 available to the public under this chapter;

21 (13) Financial and proprietary information submitted to or obtained
22 by the department of ecology or the authority created under chapter
23 70.95N RCW to implement chapter 70.95N RCW;

24 (14) Financial, commercial, operations, and technical and research
25 information and data submitted to or obtained by the life sciences
26 discovery fund authority in applications for, or delivery of, grants
27 under chapter 43.350 RCW, to the extent that such information, if
28 revealed, would reasonably be expected to result in private loss to the
29 providers of this information;

30 (15) Financial and commercial information provided as evidence to
31 the department of licensing as required by RCW 19.112.110 or
32 19.112.120, except information disclosed in aggregate form that does
33 not permit the identification of information related to individual fuel
34 licensees;

35 (16) Any production records, mineral assessments, and trade secrets
36 submitted by a permit holder, mine operator, or landowner to the
37 department of natural resources under RCW 78.44.085;

1 (17)(a) Farm plans developed by conservation districts, unless
2 permission to release the farm plan is granted by the landowner or
3 operator who requested the plan, or the farm plan is used for the
4 application or issuance of a permit;

5 (b) Farm plans developed under chapter 90.48 RCW and not under the
6 federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to
7 RCW 42.56.610 and 90.64.190;

8 (18) Financial, commercial, operations, and technical and research
9 information and data submitted to or obtained by a health sciences and
10 services authority in applications for, or delivery of, grants under
11 RCW 35.104.010 through 35.104.060, to the extent that such information,
12 if revealed, would reasonably be expected to result in private loss to
13 providers of this information;

14 (19) Information gathered under chapter 19.85 RCW or RCW 34.05.328
15 that can be identified to a particular business;

16 (20) Financial and commercial information submitted to or obtained
17 by the University of Washington, other than information the university
18 is required to disclose under RCW 28B.20.150, when the information
19 relates to investments in private funds, to the extent that such
20 information, if revealed, would reasonably be expected to result in
21 loss to the University of Washington consolidated endowment fund or to
22 result in private loss to the providers of this information;

23 (21) Financial, commercial, operations, and technical and research
24 information and data submitted to or obtained by innovate Washington in
25 applications for, or delivery of, grants and loans under chapter 43.333
26 RCW, to the extent that such information, if revealed, would reasonably
27 be expected to result in private loss to the providers of this
28 information; ((and))

29 (22) Market share data submitted by a manufacturer under RCW
30 70.95N.190(4); and

31 (23) Responses to wage and hour surveys used by the department of
32 labor and industries to establish the prevailing rate of wage under
33 chapter 39.12 RCW.

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